

**Notice of Allowability**

Application No.

09/714,035

Examiner

Stephen M. D'Agosta

Applicant(s)

CAST ET AL.

Art Unit

2683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE/amendment filed 3-31-05.
2. ☒ The allowed claim(s) is/are 1,2,4-7,9,10,12-15,17,18 and 21-26.
3. ☒ The drawings filed on 17 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

**The application has been amended as follows: Claims 5 and 6 should depend from claim 1 (and not claim 3 which was cancelled).**

### ***Response to Arguments***

The applicant's amendment filed 3-31-05 overcomes the examiner's prior art rejection. Hence claims 1-2, 4-7, 9-10, 12-15, 17-18 and 21-26 are allowed.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

**1. Independent claim 1 recites novel material:**

A method of delivering a message from a message source device to a message receiving device through a short message point-to-point protocol gateway through which plural short message entities communicate with a plurality of messaging centers, the method comprising:

transmitting a message from the message source device to the gateway, the message being associated with a message service type;

determining at the gateway a routing method based on the message service type; and

routing the message from the gateway to one of the plurality of messaging centers according to the routing method, the routing method is selected from a group consisting of

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message center specific, load balancing, mobile destination number (MDN) range, equal allocation and electronic serial number, the equal allocation routing method routing messages to a group of message centers based on sequentially sending messages to each message center in the group of message centers such that each message center in the group receives an equal number of messages.

2. Independent claim 9 recites novel material:

A method of delivering a message from a message source device to a message receiving device through a plurality of message centers communicating with a short message point-to-point protocol gateway, the method comprising:

transmitting the message from the message source device to one of the plurality of message centers, the message being associated with a message service type;

transmitting the message from the one of the plurality of message centers to the gateway, determining at the gateway a routing method based on the message service type; and

routing the message from the gateway to the message receiving device according to the routing method, the routing method being selected from a group consisting of message receiving device specific, load balancing, equal allocation, destination IP address, and destination address, wherein the destination address routing method routes the message to a destination message receiving device based on a value of a destination parameter.

3. Independent claim 17 recites novel material:

A method of processing mobile device terminated messages transmitted from a message source and received by a short message point-to-point protocol gateway through which plural short message entities communicate with a plurality of messaging centers, the messages being associated with a message service type, the method comprising:

invoking at the gateway a routing method based on the message service type,

the routing method being invoked only if an anti-spamming check returns an allowed status,

routing the message from the gateway to a message center according to the invoked routing method; and

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transmitting the message from the message center to the mobile device wherein the message center responds to the gateway to indicate that the message was received when the message center receives the message.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta  
PRIMARY EXAMINER  
4-12-05

